



Sen. A. J. Wilhelmi

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LRB096 11417 RLJ 23553 a

1 AMENDMENT TO SENATE BILL 1981

2 AMENDMENT NO. _____. Amend Senate Bill 1981 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 7-3-1 and 7-3-6 as follows:

6 (65 ILCS 5/7-3-1) (from Ch. 24, par. 7-3-1)

7 Sec. 7-3-1. Disconnection; newly organized municipality.

8 (a) Within one year of the organization of any municipality
9 under the provisions of Divisions 2 and 3 of Article 2 of this
10 Code, any territory which has been included therein may be
11 disconnected from such municipality if the territory sought to
12 be disconnected is (1) upon the ~~the~~ border, but within the
13 boundary of the municipality, (2) contains 20 or more acres,
14 (3) if disconnected will not result in the isolation of any
15 part of the municipality from the remainder of the
16 municipality, and (4) if disconnected will not be a territory

1 wholly bounded by one or more municipalities or wholly bounded
2 by one or more municipalities and a river or lake, (5) if
3 disconnected, the growth prospects and plan and zoning
4 ordinances, if any, of such municipality will not be
5 unreasonably disrupted, (6) if disconnected, no substantial
6 disruption will result to existing municipal service
7 facilities such as, but not limited to, sewer systems, street
8 lighting, water mains, garbage collection and fire protection,
9 (7) if disconnected the municipality will not be unduly harmed
10 through loss of tax revenue in the future. The procedure for
11 disconnection shall be as follows:

12 A written petition directed to the circuit court of the
13 county in which the territory proposed to be disconnected is
14 located and if such territory is located in more than one
15 county then to the circuit court of the county in which the
16 greater part of such territory may be located, which petition
17 shall be signed by a majority of the electors, if any, residing
18 within the territory and also signed by a majority of the
19 owners of record of land in such territory, and also
20 representing a majority of the area of land in such territory,
21 shall be filed with the clerk of the court within one year of
22 the organization of any municipality under the provisions of
23 Divisions 2 and 3 of Article 2 of this Code. The petition shall
24 set forth the description of the territory to be detached from
25 such municipality, shall allege the pertinent facts in support
26 of the disconnection of such territory and shall pray the court

1 to detach the territory from the municipality.

2 (b) After the expiration of the one-year time period
3 imposed under subsection (a), territory lying within the
4 corporate limits of a municipality at the time of the
5 municipality's organization shall not be disconnected from the
6 municipality without the consent of the corporate authorities
7 of the municipality as set forth in Section 7-3-4.

8 (Source: Laws 1965, p. 2176.)

9 (65 ILCS 5/7-3-6) (from Ch. 24, par. 7-3-6)

10 Sec. 7-3-6. Disconnection; specific territory. The owner
11 or owners of record of any area of land consisting of one or
12 more tracts, lying within the corporate limits of any
13 municipality, but not lying within the corporate limits of the
14 municipality at the time of the municipality's incorporation or
15 organization, may have such territory disconnected which (1)
16 contains 20 or more acres; (2) is located on the border of the
17 municipality; (3) if disconnected, will not result in the
18 isolation of any part of the municipality from the remainder of
19 the municipality, (4) if disconnected, the growth prospects and
20 plan and zoning ordinances, if any, of such municipality will
21 not be unreasonably disrupted, (5) if disconnected, no
22 substantial disruption will result to existing municipal
23 service facilities, such as, but not limited to, sewer systems,
24 street lighting, water mains, garbage collection and fire
25 protection, (6) if disconnected the municipality will not be

1 unduly harmed through loss of tax revenue in the future. The
2 procedure for disconnection shall be as follows: The owner or
3 owners of record of any such area of land shall file a petition
4 in the circuit court of the county where the land is situated,
5 alleging facts in support of the disconnection. The
6 municipality from which disconnection is sought shall be made a
7 defendant, and it, or any taxpayer residing in that
8 municipality, may appear and defend against the petition. If
9 the court finds that the allegations of the petition are true
10 and that the area of land is entitled to disconnection it shall
11 order the specified land disconnected from the designated
12 municipality. If the circuit court finds that the allegations
13 contained in the petition are not true, the court shall enter
14 an order dismissing the petition.

15 An area of land, or any part thereof, disconnected under
16 the provisions of this section from a municipality which was
17 incorporated at least 2 years prior to the date of the filing
18 of such petition for disconnection shall not be subdivided into
19 lots and blocks within 1 year from the date of such
20 disconnecting. A plat of any such proposed subdivision shall
21 not be accepted for recording or registration within such one
22 year period, unless the land comprising such proposed
23 subdivision shall have been thereafter incorporated into a
24 municipality.

25 After the effective date of this amendatory Act of the 96th
26 General Assembly, territory lying within the corporate limits

1 of a municipality at the time of the municipality's
2 incorporation or organization may not be disconnected under the
3 provisions of this Section without the consent of the corporate
4 authorities of the municipality as set forth in Section 7-3-4.

5 (Source: P.A. 83-1362.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law."